

I and others of this House have asked the President to pardon Gilmer Hernandez, and we hope eventually the President does pardon him. He has, after all, served his time.

But Saturday, as the magnificent sun began to set, the town of Rocksprings came out to cheer and honor and praise and totally support its favorite native son. After all the hoopla, the town went down the road to the fairgrounds for barbecue and homemade desserts. And, by the way, the sheriff gave Gilmer back his badge, hoping some day he will be able to wear it again.

Deputy Gilmer Hernandez is a remarkable person, and the town of Rocksprings is a uniquely remarkable place to be from.

And that's just the way it is.

□ 1945

THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, today President Bush requested an additional \$46 billion war request. This request is on top of an existing \$142 billion request pending from earlier this year.

The President told reporters that the funding was simply for day-to-day military operations in Afghanistan and Iraq. He said that the bill provides for basic needs like bullets and body armor, protection against IEDs, and mine-resistant, ambush-protected vehicles.

The President would lead us to believe that there are only two options in Iraq; Congress must either continue to fund the war indefinitely, or we must choose to pull the rug out from under the troops and strand them in the field without body armor and bullets. This, of course, is a ridiculous characterization of our position. We feel that continuing to referee a civil war in Iraq runs counter to our national security interests.

There is no military solution to the war in Iraq no matter how many soldiers, weapons and dollars you dump into the country. Bombs and bullets have not and will not bring us peace in Iraq. I believe there is only one answer to the war in Iraq: a fully funded redeployment of our troops and military contractors.

I think a reasonable Member of Congress would welcome a plan from the President on how we're going to safely leave Iraq, and we would be happy to fund it. But asking us to continue funding, providing funds for the occupation of Iraq until President Bush decides to change course is tantamount to asking us to just continue to support the war.

The choice is clear; it is time to face the facts: We either provide funds to continue the war or we provide funds to end the war.

Mr. Speaker and Members, I'm bothered by this request. I'm bothered by it

because the President is playing politics with the issue. The President of the United States is saying, "I want this \$46 billion and I want it now, and I want to use it for very necessary armor and equipment," because he knows that the Members of Congress do not like to be seen in a bad light, having folks believe that somehow they're not providing support for the soldiers. And he keeps testing the will of this Congress with these kinds of antics.

We know that the American public wants us out of Iraq. We also know the American public wants to indicate its support for the soldiers who are not there because they've decided that we would go to war, but rather, they answered the President's call because they are patriotic, many of them needed jobs, they needed resources, they needed money, so they're there.

Everybody supports the soldiers, but the President is trying to set us up. He is trying to set us up so that if we don't immediately vote on this \$46 billion it will look as if we are not giving the soldiers the necessary equipment in order to wage the war. This is absolutely ridiculous.

And I don't know how long this President thinks he can get along with mismanaging this war in the way that he's doing. We have 101 questions we ought to be forcing on him. First of all, where are the 190,000 weapons that have been lost? Where is the money we were supposed to have been getting from the oil wells in Iraq? Where are the billions of dollars that they sent over in cash in the beginning of this war? What happened to all of that money?

We can go on and on and on with questions about Blackwater and the contractors and the mercenaries. We can go on and on about this government that they put together that does not function and will not function. We can ask them, whose side are you on, the Sunnis, the Shias? And now you're trying to manage what Turkey does with the Kurds. The Kurds killed Turkish soldiers. The Turks threatened to go over and invade the Kurdish territory, and now we're over there trying to manage that. It is complicated. We have no business there.

This occupation is draining us, not only the lives of young men and women who are there trying to answer the President's call, but the dollars that should be going into comprehensive universal health care, truly supporting Leave No Child Behind, truly supporting moderate and low-income housing, truly being used to rebuild the infrastructure that's falling apart all over America.

Come on, Mr. President, don't challenge us this way. There are some of us who know what we're going to do, and others are going to get wise very soon.

MILITARY DEATH GRATUITIES TO TAX FAVORED ACCOUNTS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I would like to thank Chairman CHARLIE RANGEL and the House Ways and Means Committee for their work in putting together a package of legislation called the Heroes Earning Assistance and Relief Tax Act of 2007, which is designed to help members of the United States Armed Forces and their families. I'm especially grateful, Mr. Speaker, that the committee has indicated plans to include in this legislation a bill that I first introduced in 2005.

H.R. 418 would permit military families to receive the death gratuity to invest the full amount into certain tax-favored accounts. A death gratuity is a \$100,000 payment paid to survivors of servicemembers whose death resulted from combat-related circumstances.

Current tax law limits the amount that recipients of the death gratuity can place in tax-preferred accounts, such as a Roth IRA or Coverdell Education Savings Account. This legislation would change that to allow recipients to contribute up to the full amount of the gratuity payment to these accounts.

Mr. Speaker, as the families of our fallen heroes try to put their lives back together, they need all the help they can get. The families should not have to worry about saving the death gratuity to pay for health care, college or other expenses and then have the government come in and tax the interest on that savings. This bill would help ensure that does not happen.

Mr. Speaker, the need for this legislation was brought to my attention by Captain Michael Ceres, a constituent stationed at Marine Corps Air Station New River. Captain Ceres, who just returned from serving in Iraq, contacted my office and suggested that Congress should institute this change to ease the burden on grieving military families.

Mr. Speaker, the Joint Committee on Taxation has scored this legislation at no cost, meaning that the actual cost of this proposal is less than \$500,000 over 9 years. Our men and women in uniform serve this Nation with great honor and distinction; many give their lives for this country. We owe it to our fallen military heroes to expand this option of families who receive the death gratuity, families who have paid the ultimate cost with the loss of their loved one.

H.R. 418 has also received the endorsement of The Military Coalition, a group of prominent national military and veterans organizations that represent more than 5.5 million members plus their families.

Mr. Speaker, of the 35 organizations that have voiced their support for H.R. 418, let me name just a few: the Air Force association, AMVETS, Fleet Reserve Association, Gold Star Wives of America, Military Officers Association of America, Marine Corps League, Navy League of the United States, and there are many others.

I call upon my colleagues to support the inclusion of H.R. 418 in the Heroes Earning Assistance and Tax Relief Act of 2007 in order to expand the options of military families whose loved ones have given their lives in the name of freedom and in defense of this Nation.

Mr. Speaker, I close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. And also, I will ask God to continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Mr. Speaker, over the past 9 months, the Congressional Black Caucus has been at the forefront of many major issues here in Congress, from raising the minimum wage, to the Don Imus debacle, to the upcoming Southwick nomination vote that will be taken up in the Senate this week. We have been at the forefront of raising the issue about the need to cover 10 million children under SCHIP. And we've been at the forefront as well raising issues with regard to the war in Iraq and the number of people who have been killed, as well as the recent Jena Six situation.

Tonight, however, we will be focusing in on the Southwick nomination. And as we focus in on that nomination, we always remember that for people of color the court has been the place of last resort. Many of the opportunities that we've had to raise issues with regard to school desegregation, civil rights, economic opportunities, equal employment opportunity, have come through the courts. And it is that reason that we are particularly raising our voices with regard to this nomination.

I am joined this evening by my colleague and good friend, the Chair of the Homeland Security Committee, Mr. BENNIE THOMPSON. And Judge Southwick, the nominee, actually is a resident of Mississippi and being considered for that seat which oversees Mississippi and several other States

where the population of people of color is significant.

I yield such time as he may consume to my colleague and good friend, the Chair of the Homeland Security Committee, BENNIE THOMPSON.

Mr. THOMPSON of Mississippi. Thank you very much.

Mr. Speaker, I join members of the Congressional Black Caucus, who have unanimously opposed the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals.

For the record, Mr. Speaker, the Fifth Circuit is composed of Mississippi, Louisiana and Texas. This circuit historically was one of those circuits that moved civil rights and voting rights issues in a manner that allowed all people representation. So what we've seen under the President's administration, we've seen this court move in the opposite direction.

As a resident of Mississippi and a representative for the Second Congressional District, we have yet to have a member of the Fifth Circuit Court of Appeals who is an African American. We have the highest population of any circuit in the State in the circuit; yet we are completely void of representation.

I don't have to go through the litany of problems we've had in Mississippi with respect to civil rights. As you know, and as so many know, Mr. Speaker, had it not been for the Federal court system, many of us would not be in elected office. Many of us would not hold positions of higher responsibility because our State denied African Americans, for a number of years, equal representation under law and denied that representation because of color.

And so what we have in the Southwick nomination, Mr. Speaker, is a continuing pattern of nominating people who have demonstrated racial insensitivity toward people of color. In the *Richmond v. Mississippi Department of Human Services*, a white employee was fired for using the phrase "good ole nigger" toward an African American coworker. When the white employee was fired, a hearing officer reinstated the employee.

In upholding the reinstatement, the majority, Mr. Speaker, which Judge Southwick joined, concluded that using the phrase "good ole nigger" was equivalent to calling the other employee her "teacher's pet". This opinion, I'm happy to say, Mr. Speaker, was unanimously reversed by the Mississippi Supreme Court. And this is our President's number one nominee for the Fifth Circuit, who says that it's all right to use the "N" word when referring to people of color because it's equivalent to being called the "teacher's pet," or as he said in later words, "a term of endearment." That's an insult. But it goes to the crux of the issue of whether or not the temperament of this gentleman, Leslie Southwick, fits promotion to the Fifth Circuit Court of Appeals.

In addition to that, on another case, *McWilliams v. Mississippi*, when a prosecutor cites nonracial readiness for strikes, *Davis v. Mississippi* is another case. Judge Southwick denied the defense's warranted attempts to strike white jurors, even when the defense used the same nonracial reasons for strikes. *Webb v. Mississippi*. In other words, it's all right to strike black people from juries for nonracial reasons, but you can't strike white people from juries for nonracial reasons.

So, Mr. Speaker, we have a problem. This is the person under consideration this week by the United States Senate. I'm happy to say that the Congressional Black Caucus has taken up a number of issues this session, but the Southwick nomination really goes to the heart of why we are all here. We cannot put people on the bench for a lifetime job who demonstrate this kind of insensitivity.

□ 2000

So, Mr. Speaker, I am happy to join my colleagues with the Congressional Black Caucus in unanimously opposing the elevation of Judge Southwick to the Fifth Circuit Court of Appeals. His nomination is not just an affront to people of color, but it is an affront to people of good will. That someone who demonstrated a lack of judicial temperament can actually be nominated and be given serious consideration by the United States Senate is beyond me.

But, again, I want to express my sincere opposition to the nomination of Leslie Southwick to the Mississippi Fifth Circuit Court of Appeals. Mississippi needs a nominee who will not look to discourage or impede its growth, but instead support and empower Mississippi's legacy. I appreciate my colleague from Ohio yielding me the time.

Mrs. JONES of Ohio. Mr. Chairman, just for a moment, I recall only a few months ago that you and the Chair of our Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK, were actually over at the Senate side when this was in committee.

Mr. THOMPSON of Mississippi. That's correct.

Mrs. JONES of Ohio. Can you recount for us briefly what you encountered in that hearing?

Mr. THOMPSON of Mississippi. Well, the record will reflect, Mrs. TUBBS JONES, that at that hearing significant evidence was introduced as to the statistical probability of African Americans being nominated to the court. It was also introduced that the population of African Americans was the greatest in the State of Mississippi, that Mississippi had fewer individuals on the Fifth Circuit Court of Appeals and has never had an African American on a court in its entire history from the State of Mississippi. So this is a golden opportunity, it was a golden opportunity for President Bush to do the right thing. But this was his third nominee for this one judgeship. Each of